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8	
9	UNITED STATES DISTRICT COURT
10	DISTRICT OF NEVADA
11	HENRY E. SMITH
12	Plaintiff, ) Case No. 2:11-cv-00090-JCM-RJJ
13	v. ) ORDER
14	GREG ABERNATHY )
15	j
16	Defendant. )
17	THIS COURT, having been fully apprised that the United States Attorney for the District
18	of Nevada has certified that the individual Defendant, Greg Abernathy, was acting within the
19	scope of his federal employment at the time of the incident giving rise to Plaintiff's complaint,
20	and the Court having been apprised of the substitution of the United States by operation of
21	law pursuant to 28 U.S.C. § 2679(d)(2),
22	IT IS HEREBY ORDERED that pursuant to 28 U.S.C. §§ 2679(b)(1), (d)(2), Greg
23	Abernathy is dismissed from this action on the grounds that the exclusive remedy for such claim
24	is an action against the United States and the United States has been substituted for Greg
25	Abernathy as the defendant on such claim.
26	
- 1	

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IT IS FURTHER ORDERED that the caption of this action shall hereafter be modified to reflect the United States as the sole federal defendant in this action. **DATED:** March 15, 2011